

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NAUTILUS INSURANCE COMPANY

Plaintiff,

V.

MOTEL MANAGEMENT SERVICES, INC.
d/b/a NESHAMINY INN

and

MARY ETZRODT TRUST

and

NI45, LLC

and

G.D.

and

N.Z.

Defendants.

NOTICE OF APPEAL

Notice is hereby given that defendants Motel Management Services, Inc. d/b/a Neshaminy Inn, Mary Etzrodt Trust and NI45, LLC hereby appeal to the United States Court of Appeals for the Third Circuit from the Order of the District Court entered in this action on September 9, 2021 (which Order granted the Motion for Judgment on the Pleadings of Plaintiff, Nautilus Insurance Company, denied the Motion for Judgment on the Pleadings of defendants Motel Management Services, Inc. d/b/a Neshaminy Inn, Mary Etzrodt Trust and NI45, LLC, and

entered judgment in favor of Nautilus Insurance Company). A copy of the Order is attached hereto.

Respectfully submitted,

Date: October 7, 2021

/s/ Jeffrey R. Lerman

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Motel Management Services, Inc. d/b/a Neshaminy Inn,

Mary Etzrodt Trust and NI45, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAUTILUS INSURANCE COMPANY,

Plaintiff,

v.

MOTEL MANAGEMENT SERVICES,
INC., d/b/a NESHAMINY INN, *et al.*,

Defendants.

CIVIL ACTION NO. 20-1607

ORDER

AND NOW, this 9th day of September 2021, upon consideration of Plaintiff Nautilus Insurance Company's Motion for Judgment on the Pleadings, Defendant Insureds Motion for Judgment on the Pleadings, the responses and replies thereto, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Plaintiff's Motion for Judgment on the Pleadings [Doc. No. 31] is **GRANTED** and Defendant's Motion for Judgment on the Pleadings [Doc. No. 32] is **DENIED**.

Judgment in favor of Nautilus Insurance Company and against the Defendants is hereby entered declaring that Nautilus Insurance Company owes no duty to defend or indemnify Motel Management Services, Inc. d/b/a Neshaminy Inn, The Mary Etzrodt Real Estate Trust and NI45, LLC in either of the underlying actions, *G.D. v. Knights Inn of Trevoise, et al.*, Court of Common Pleas, Philadelphia County, Pennsylvania, No. 191202631, and *N.Z. v. v. Knights Inn of Trevoise, et al.*, Court of Common Pleas, Philadelphia County, Pennsylvania, No. 191202642.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2021, one true and correct copy of the foregoing

Notice of Appeal will be served via the court's electronic filing system upon:

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Date: October 7, 2021

/s/ Glenn F. Rosenblum
Glenn F. Rosenblum